

REMARKS

The above amendments and following remarks are submitted within the 60 day priority period under 37 C.F.R. 1.116 in response to the Final Official Action of the Examiner mailed December 4, 2006. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance.

Claims 1, 6, and 16 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In making her rejection, the Examiner states:

Regarding claim 1, nowhere in the original specification describes (sic) or support (sic) " a Data Wizard located within said data base management system" in the claim.

This statement is clearly erroneous and therefore, the rejection is respectfully traversed as based upon clearly erroneous findings of fact.

Though the claimed Data Wizard is implicitly disclosed as located within the Cool ICE Data Base Management System throughout Applicants' disclosure, Fig. 14 (i.e., Data Wizard 420) and Fig. 15 (i.e., Data Wizard 500), along with page 45, line 12, through page 46, line 15, clearly show that the claimed Data Wizard is physically (i.e., Fig. 14) and functionally (i.e., Fig. 15) located within the disclosed Cool ICE Data Base Management System.

This disclosure has been previously indicated to the Examiner. In ignoring the disclosure of Figs. 14-15 and accompanying pages 45-46, the Examiner cites a lack of disclosure of the claimed limitation in Fig. 3. The test for adequate disclosure does not require disclosure in every figure. Surely, there should be no question concerning the location of the claimed Data Wizard as disclosed in Figs. 14 and 15.

In her most recent response, the Examiner states:

Applicant states in the first paragraph of page 46 "execution of an existing data wizard scripted query definition is accomplished by Cool Ice Engine 428 which is essentially the **MAPPER database management system** in the preferred mode of the present invention".

Examiner is not persuaded from (sic) the following reasons:

- (1) The **MAPPER database** is not shown in Figure 14 and thus its relevance is unknown.
- (2) The **MAPPER database** is not included in claim 1 and thus the relationship to the Data Wizard would not be determinable by a skilled artisan.
- (3) Applicant claims the Data Wizard "permits"....the user to create the service. The skilled artisan **would not understand what method steps** are included in "permitting".
- (4) The skilled artisan would not be able to make and use the invention because it is unclear from the specification how the plurality of discrete and independent steps "correspond" to the ordered sequence of command language script. (Emphasis added)

In making a response to the Examiner's rejection, Applicants have thus cited two figures (i.e., Figs. 14-15) and two pages of the specification (i.e., pages 45-46). Nevertheless, the Examiner appears to focus on a single sentence, taken out of context, for the purpose of supporting a rejection asserting "lack of

enablement". This action of the examiner is both procedurally inappropriate and contrary to controlling law. The test for "enablement" involves support of the invention as claimed. There is no legal preclusion for a disclosure of alternate embodiments or other material.

As to the Examiner's point (1), she has apparently confused the "MAPPER data base management system", quoted from Applicants' specification with "MAPPER database", which she mentions in her argument. Certainly, the Examiner can distinguish between a "data base" and a "data base management system". As a result, her first argument is legally irrelevant, because it does not refer to either Applicants' claimed invention or Applicants' specification.

In her second argument, the Examiner, without any citation of supporting authority, seeks to reject claim 1 as being broader than Applicants' preferred embodiment (i.e., "MAPPER database is not included in claim 1"). Surely, the Examiner can understand that it is lawful, customary, and perhaps even necessary for Applicants' claims to be broader than the detailed description of the preferred embodiment. The second argument must fail as unsupported by controlling law.

The third argument seeks to reject an apparatus claim under 35 U.S.C. 112, first paragraph, for failure "understand what method steps". Again, claim 1 is an apparatus claim. It has no

"method steps". The third argument appears to be based upon a clearly erroneous finding of fact (i.e., that claim 1 is assumed to be a method claim).

The fourth argument of the Examiner is essentially incomprehensible, because it does not appear to relate to either Applicants' disclosure or the claimed invention.

Thus, Applicants' continue to traverse the Examiner's rejection under 35 U.S.C. 112, first paragraph, as based upon clearly erroneous findings of fact, clear errors of law, and certain largely incomprehensible arguments. Nevertheless, in the spirit of cooperation, Applicants' have herewith amended claims 1 and 6 to require location of the claimed "data wizard" in a server (see Fig. 14, elements 400 and 420). Furthermore, claim 1 was amended to remove the term "permits". Claim 16 has not been amended, because it does not have the claim limitations referred to by the Examiner in attempting to explain her rejection.

Claim 11 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite in view of certain alleged informalities. In response thereto, claim 11 has been amended as suggested by the Examiner.

Claims 1-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,058,264, issued to Glaser (hereinafter referred to as "Glaser"). This ground of rejection

is respectfully traversed as to amended claims 1-20 for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection is respectfully traversed because Glaser does not show "the identical invention" "in as complete detail as is contained in the claim[s]" as required by MPEP 2131.

Though there are numerous differences between Applicant's claimed invention and the disclosure of Glaser, the Examiner may wish to consider Development Computer 400 of Glaser (see Fig. 4). As explained at column 5, line 14, through column 6, line 23, Development Computer 400 provides the "development environment" for Glaser. This environment of Glaser apparently provides a single location for development of a Graphical User Interface (GUI) for developing "extenders" for a plurality of data base management systems without using the facilities of the data base management systems. In other words, the functionality of Glaser is contained within a single computer, thus precluding an

anticipation of claims requiring coupling of a plurality of computers via a publically accessible digital data communication network.

Applicant's claimed invention, on the other hand, is directed to providing a plurality of Graphical User Interfaces for a given data base management system primarily using the resources of the data base management system. The advantages of relying upon the power of the data base management system to construct the GUI are discussed throughout Applicant's disclosure, and the approach is summarized at page 10, lines 20-21:

In accordance with the present invention, a customized user interface is built from multiple components stored in the proprietary database management system.

As a result, there are any number of limitations to be found within Applicant's claims, as amended, specifically directed to this distinction which are not found in Glaser.

In other words, Glaser is interested in providing a standardized interface to an RDBMS without modifying the RDBMS. Thus, the allegedly new interface of Glaser is developed completely external to the RDBMS. As clearly shown in Fig. 4 of Glaser, all of these allegedly new interface functions are developed and performed within Development Computer 400.

Applicants, on the other hand, specifically require that the new interface be created in accordance with modifications to the

legacy data base management system. This is certainly much cheaper than the approach of Glaser, because it does not need Development Computer 400. It is also much more flexible than the approach of Glaser as is documented in Applicants' specification.

Having considered this argument, the Examiner has curiously stated:

However, the claim only recites "manipulations of data within a data base management system" and not modifying the data base management system as argued.

This statement is particularly curious, because the Examiner explicitly admits the claimed data manipulations by the claimed data base management system. This is precisely the point.

Because the alleged data base management system of Glaser has expressly not been so modified, it cannot perform the "manipulations of data within a data base management system" as claimed. In an apparatus claim, Applicants generally claim a structure rather than the method of making the structure.

However, it was deemed instructive to discuss the modifications to the "data base management system" so that the Examiner could readily understand that is why it can perform "manipulations of data" which cannot be performed by the prior art without adding the newly generated standardized interface disclosed by Glaser.

Claim 1, as amended, requires at element c, "a Data Wizard located within said server containing said data base management

system" (as shown as element 420 within element 400 of Fig. 14). This is clearly not found within Glaser, as acknowledged in her rejection by finding that Figs 7A-G allegedly show the claimed Data Wizard. Thus, the claimed invention utilizes the power of the claimed data base management system to construct the "service requests" used to direct the data base management system. On the other hand, the creation of the "extender" occurs within the development computer 400 of Glaser.

Claim element c also requires that each service request be user specified as "a plurality of discrete and independent steps corresponding to said ordered sequence of command language script" permitting each step to be separately and independently edited with the claimed Data Wizard. This functionality is summarized in the specification at page 12, line 21, through page 13, line 9, and described in detail in Figs. 25-35 with corresponding detailed description at pages 57-67.

Glaser has no provision for accommodating these developmental features. Therefore, the Examiner cites Figs 7A-7C and corresponding text of Glaser. Though the Examiner appears to focus on the ability of Glaser to select an "attribute", there is no showing that any particular selected "attribute" is associated with a single step of the "extender" being created as claimed. In fact, it is clear that the opposite is true. Selection of an "attribute" of Glaser means selection of that "attribute" for all

of the "extender". Surely, the Examiner can distinguish between the claimed modifying of a portion (i.e., step) of the claimed service request and the action of Glaser to select an "attribute" for all of the "extender".

Furthermore, the fourth element is limited by a "save component module" located within the claimed data base management system. In making her rejection, the Examiner cites the irrelevant column 9, lines 14-40. The citation at column 9, lines 14-40, is totally irrelevant, because it refers to "a dynamic link library" which is clearly not created in accordance with the extender and does not indicate where it is stored or where it is located. The remainder of the citation discusses script without regard to where it is stored and which "enables a table" rather than be created from a table as claimed. It is not understood why the Examiner considers this citation relevant to the claimed element, but it is clear that the citation does not meet the requirements of MPEP 2131.

The rejection of claim 1 as amended, and all claims depending therefrom, is respectfully traversed for failure of Glaser to show "the identical invention" "in as complete detail as is contained in the claim" as required by MPEP 2131.

Claim 6 requires a "user terminal which creates a service request for modification of data within a data base". In clearly erroneously finding this element, the Examiner cites

Client Computer 102, Fig. 1. However, there is no showing that Client Computer 102 of Fig. 1 "creates a service request for modification of data within a data base". The only description of Client Computer 102 is found at column 3, line 64, through column 4, line 3. There is no suggestion that Client Computer 102 "makes a service request for modification of data within a data base" as clearly erroneously found by the Examiner.

As if to acknowledge this deficiency in Glaser, the Examiner also cites column 3, lines 49-56, which summarizes the operation of the RAD tool. Yet the RAD tool is located within and executed by Development Computer 400 not Client Computer 102 (see column 5, lines 16-19). Surely, the Examiner does not allege that the cited RAD tool is executed within Client Computer 102 as she has implied in her rejection.

The fourth element of claim 6 is "a service module located within said data base management system", just as the third element requires that the "Data Wizard" be located within the claimed "data base management system". In making her rejection, the Examiner cites Figs. 7A-7G of Glaser. Surely, the Examiner does not assert that Figs. 7A-7G of Glaser are "located within" RDBMS 126 which the Examiner has found to be the claimed "data base management system".

Furthermore, the Examiner cites column 9, lines 14-40, of Glaser which has nothing to do with Figs. 7A-7G and nothing to do

with the claimed invention. The rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 11, as amended, is an independent method claim having five basic method step limitations. The first step involves "building a customized user interface from a plurality of components stored within said data base". The Examiner has already admitted that this feature is not found in Glaser.

As explained above, Applicant's invention expresses a service request as a plurality of individual and independent steps. In making her rejection, the Examiner continues to cite Figs. 7A-7G and column 3, lines 49-56, of Glaser which involves the steps required to develop a single query as opposed to the claimed "steps" which define the claimed service request. Applicants express a plurality of data processing functions using a plurality of data processing steps. Glaser utilizes a plurality of user actions (i.e., Figs. 7A-7G) to define a single query. In Applicants' claimed system, the data processing system performs the claimed plurality of steps. In Glaser's system, the user performs the alleged plurality of steps by proceeding from Fig. 7A through Fig. 7G to define a single query.

Furthermore, claim 11 requires a "storing step". As explained above, Glaser does not have the "storing" step. As discussed above, the Examiner has confusingly cited column 9, lines 14-40, which simply does not address the claimed invention,

because it involves a link library which may be stored at an unidentified location. The rejection of amended claim 11, and all claims depending therefrom, is respectfully traversed.

Claim 16 is an independent apparatus claim having four separate "means-plus-function" limitations. Claim 16 requires that the claimed "steps" are discrete and independent to permit individual editing without impact upon other steps. As explained above, this feature is not found in Glaser. Claim 16 requires that the "plurality of components" of the customized user interface, the "designing means" and the "storing means" all be located within the claimed "providing means". Glaser clearly utilizes only development computer 400. The rejection of amended claim 16, and all claims depending therefrom, is respectfully traversed.

Claims 2, 7, and 18 depend from claims 1, 6, and 17, respectively, and further limit the claimed network. Glaser cannot meet the limitations of claims 1, 6, and 17 for the reasons provided above. Therefore, Glaser cannot meet the further limitations of claims 2, 7, and 18. The rejection of claims 2, 7, and 18 is respectfully traversed.

Claims 3, 9, 13-14, and 20 depend from claims 2, 8, 12, and 19, respectively, and further limit the software architecture of the claimed user terminal. In making her rejection, the Examiner cites Glaser, Fig. 1, element 102. Fig. 1 says nothing of the

software architecture of Client Computer 102. It could be a MACINTOSH computer, having a commercially available browser; it could be a DEC, computer having a commercially available browser; etc. In fact, Glaser does not define the software architecture of Client Computer 102 anywhere. Therefore, the rejection of claims 3, 9, 13-14, and 20 is respectfully traversed, because Glaser does not show "the identical invention" "in as complete detail as is contained in the claim[s]" as required by MPEP 2131.

Claims 4, 8, and 17 depend from claims 3, 7, and 16, respectively, and are further limited wherein the claimed "Data Wizard" has certain editing features. Glaser on the other hand, cannot edit the claimed individual steps because it does not have individual steps.

However, the functional differences admitted by the Examiner correspond to actual structural differences. The structure of Applicant's claimed "Data Wizard" is different from the structure of Glaser's "Extender Smart Guide" in that Applicant's invention offers display of individual steps whereas Glaser's does not. It is these structural differences which render Applicant's claimed invention patentable over Glaser in accordance with MPEP 2131. The rejection of claims 4, 8, and 17 is respectfully traversed.

Claims 5, 10, 15, and 19 depend from claims 4, 9, 14, and 18, respectively, and further limit the claimed "data base management system" to a "commercial" system. In making her

rejection, the Examiner again cites Glaser, column 3, lines 49-56, holding that Glaser "is primarily targeted to enterprise customers". Surely, the Examiner can distinguish between the claimed "commercially available" system which may or may not be an enterprise system and Glaser's "enterprise customers" which may or may not use the claimed "commercially available" software

Instead, the Examiner states:

Since (sic) the system targets on (sic) enterprise customers, the system relating to economic business (sic) thus datable (sic) management system of Glaser is commercially) (sic).

This statement, to the extent understandable, is legally irrelevant, because it does not address Applicant's claimed invention. An enterprise system may be proprietary, and economic businesses may utilize proprietary data base management systems or may utilize no data base management systems at all. This is readily distinguishable from the claimed feature of "commercially available", meaning that it can be readily purchased.

Furthermore, government and non-profit organization can employ "enterprise" systems, even though they are not "commercial". The United States Patent and Trademark Office is such an organization. The rejection of claims 5, 10, 15, and 19 is respectfully traversed.

Claim 12 depends from claim 11 and is further limited by an "editing said previous discreet and independent step without modification to said subsequent discreet and independent step".

Because Glaser does not have the claimed "discrete and independent steps", the Examiner again cites Figs. 7A-7G of Glaser, which simply shows the user steps needed to define a single query. The rejection of claim 12 is respectfully traversed.

Claims 1-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,295,531, issued to Bae et al (hereinafter referred to as "Bae"). This ground of rejection is respectfully traversed as to amended claims 1-20 for the following reasons.

Though Bae has a Data Wizard, it does not have the claimed "plurality of customized user interface components". Therefore, Bae has neither the structure nor the functionality to perform the claimed creation of "said service as a plurality of discreet and independent steps corresponding to said ordered sequence of command language script". Instead, Bae utilizes its Data Wizard to directly generate the script needed to define a service request. Bae states at column 5, lines 3-4:

Through the use of the data wizard to generate the SQL script.....

Thus, Bae certainly cannot be found to anticipate Applicants' claimed invention, because it does not comply with MPEP 2131.

Furthermore, because Bae and the subject invention have been commonly assigned to Unisys Corporation as a matter of public record, 35 U.S.C. 103 precludes Bae from being cited as

obviousness prior art against the subject invention. Therefore, Applicants' claimed invention is not unpatentable in view of Bae.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

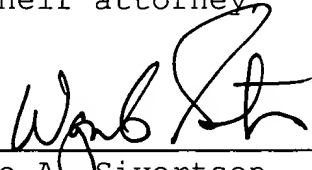
Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney

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